UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,830	04/10/2001	Michael J. Betz	P00525-US-0 (18217.0001)	1077

7590 09/10/2003

Doreen J. Gridley
ICE MILLER
One American Square
Box 82001
Indianapolis, IN 46282-0002

EXAMINER
HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 09/10/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,830	BETZ ET AL.	
	Examiner	Art Unit	
	Chanda L. Harris	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Request for Continued Examination

The Request for Continued Examination filed on 6/24/03 is acceptable and an RCE has been established. An action on the RCE follows.

Status of Claims

In response to the Amendment filed on 6/24/03, Claims 1-30 are pending.

Specification

1. The disclosure is objected to because it contains embedded hyperlinks and/or other form of browser-executable code on p.5 and p.14 of the specification. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

2. The use of the trademarks MACROMEDIA SHOCKWAVE, INTERNET EXPLORER, and NETSCAPE have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7-19, 21-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton in view of Corn et al. (US 2001/0053513).

1. [Claims 1-2, 14, 16-18, 22-25,28]: Regarding Claims 1-2, 14, 16-18, 22-25, and 28, Linton discloses an educator provider system for transmission of at least one interactive lesson comprising an audio file such that when the at least one lesson is transmitted over the network means from the educator provider system to the at least one student system, the presentation of the at least one lesson is controlled by an audio controlling means (e.g. RealPlayer™) based on the received audio (via instructional materials); wherein at least one lesson comprises a plurality of presentations, at least one of the plurality of presentations having at least one audio file associated therewith; and a video controlling means (e.g. RealPlayer™) for controlling presentation of the lesson based on the received at least one video file. See Col.6: 5-15. Linton discloses at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student and wherein the educator provider system is capable of generating the at least one lesson. Col.6: 58-66. Linton discloses a network means for connecting the educator provider system with the at least one student system in bi-directional communication. See Col.7: 7-15. Linton discloses

controlling the pace of the presentation of the received lesson at the student system and controlling the pace (e.g. cueing) of the presentation of the received lesson with the received audio file. See Col.8: 11-29.

Linton does not disclose expressly so that at least one student cannot advance in the at least one lesson until the audio file or video file has completed playing. However, Corn teaches preventing a user from rapidly clicking their way through screens by tracking elapsed time a user spends reviewing educational content. See p.4, [0031] and p.5, [0032]. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to incorporate preventing a user from rapidly clicking their way through screens by tracking elapsed time a user spends reviewing educational content because Applicant has not disclosed that preventing a student from advancing in the at least one lesson until the audio file or video file has completed playing provides an advantage, is used for a particular purpose, or solves a state stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well tracking elapsed time a user spends reviewing educational content because both mechanisms perform the same function of verifying that users spend a required amount of time reviewing educational content and subsequently are materially participating in the educational process.

Linton does not disclose expressly an educator provider system for transmission of at least one lesson and for immediate transmission of a lesson completion record (i.e. a message indicating that credit will be granted for the educational unit) that certifies

that the required amount of time was spent on a lesson. However, Corn teaches such (i.e. If the elapsed time is greater than the minimum time parameter and less than the maximum time parameter the user is sent a message that credit will be granted for the educational unit). See p.4, [0031]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Linton, in light of the teaching of Corn, in order to verify that users are materially participating in the educational process.

2. [Claims 3-4]: Regarding Claims 3 and 4, Linton discloses an education authority system connected to network means and an education authority system capable of generating the at least one lesson. See Col.5: 35-46.

3. [Claims 7, 21, 27-29]: Regarding Claims 7,21, and 27-29, Linton discloses wherein the educator provider system includes means for generating a course completion record for transmission over the network means to the education authority system. See Col.9: 37-49 and Col.10: 25-34.

4. [Claim 8]: Regarding Claim 8, Linton discloses wherein the network means comprises a global network. See Col.5: 16-20.

5. [Claim 9]: Regarding Claim 9, Linton discloses wherein the global network comprises the Internet. See Col.6: 16-18.

6. [Claim 10]: Regarding Claim 10, Linton discloses wherein the at least one student system comprises an Internet browser. See Col.6: 2-5.

7. [Claim 11]: Regarding Claim 11, Linton discloses wherein the audio controlling means comprises a browser plug-in suitable for use in streaming audio content over the Internet. See Col.6: 8-15.

8. [Claims 12-13]: Regarding Claims 12 and 13, Linton discloses means for interrupting (i.e. pause), means for tracking the point at which the at least one lesson was interrupted, and means for resuming the interrupted lesson at such recorded point. See Col.8: 22-24.

9. [Claim 15]: Regarding Claim 15, Linton discloses wherein the at least one of the plurality of presentations comprises a test for the student. See Col.5: 46-50.

10. [Claim 19]: Regarding Claim 19, wherein the lesson completion record includes a unique course instance identifier is considered to be an inherent feature of Linton's invention. See Col.9: 46-49.

Claims 5-6, 20, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton/Corn, as applied to Claims 1,18,21, and 29 above, and further in view of Papadopoulos (US 6,099,320).

[Claim 5-6, 20, 26, 30]: Regarding Claims 5-6, 20, 26, 30, Linton/Corn does not disclose expressly means for generating and printing an electronic certificate and granting course credit to the student. However, Papadopoulos teaches such in Col.8: 59-67. According to Papadopoulos, the system comprises electronic hardware and software as is cited in Col.9: 5-67. It is by way of this system that a certificate is printed. Therefore, at the time of the invention, it would have been obvious to one of ordinary

skill in the art to incorporate the aforementioned limitation into the method and system of Linton/Corn, in light of the teaching of Papadopoulos, in order to verify completion of a course.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lee et al. (US 5,441,415)

  -how much and what type of material each student can access for a given period of time

- Johnson, III et al. (US 7,00,149)

  -time required to view the course material

- Brudner (US 3,654,708)

  -computer-assisted instruction

- Matysek (US 3,829,987)

  -video message or lesson segment displayed to a student

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris
Examiner
Art Unit 3714

ch.